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10/057,048	01/23/2002	Steven C. Robertson		3434

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ART UNIT	PAPER NUMBER
3628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/057,048	ROBERTSON ET AL.
	Examiner	Art Unit
	SHANNON S. SALIARD	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 May 2009</u>.

2a)☒ This action is FINAL.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>17-27</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>17-27</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   Applicant has amended claims 17-, 20, and 24-27. Claims 1-16 have been

cancelled. No claims have been newly added. Thus, claims 17-27 remain pending and

are presented for examination.

Response to Arguments

2.   Applicant's arguments filed 05 May 2009, with respect to the rejections of claims

26 and 27 under 35 U.S.C. 101, have been fully considered and are persuasive. Thus,

the rejections of claims 26 and 27 under 35 U.S.C. 101has been withdrawn.

3.   Applicant's arguments filed 05 May 2009 have been fully considered but they are

not persuasive.

4.   Applicant argues, "Quackenbush does not disclose the requisite luggage

transport service site." However, Examiner disagrees. The only requirement in the

claim for the luggage transport service site is that it is connected to a server over a

distributed network wherein an application of the luggage transport server receive and

store luggage travel segment data from a user. Accordingly, at col 3, lines 46-60,

Quackenbush discloses, "In a preferred embodiment, while purchasing airline tickets,

users are provided the option of arranging for the pick-up and delivery of their personal

baggage. As described more fully below, when a user chooses this option, **the user**

links to a second baggage-delivery Web site 310 dedicated to baggage delivery.

Typically, Web site 310 is maintained by a server computer 312 having a database

314. Database 314 stores baggage identification information (e.g., baggage claim numbers) in linked relation to a final delivery location specified by the traveler.

Alternatively, users can directly access the baggage delivery Web site 310 to make arrangements for the transportation of their baggage. After making baggage transportation arrangements, users can check the status of their baggage (e.g., delivered or not delivered) by accessing Web site 310 via conventional computer 302, conventional telephone 304, or wireless device 306, as described below." Since the Baggage Direct Website 310 of Quackenbush is connected to a server over a distributed network wherein an application of the luggage transport server receive and store luggage travel segment data from a user is that handles baggage for each airline, Quackenbush's Baggage Direct Website is equivalent to Applicant's luggage transport service site.

5.   Applicant further argues, "Website 310 does not run client application, and the Examiner is not correct in assuming that a client application enables interaction between user and Website 310 or any other luggage carrier website. "Client" application in this case refers only to a luggage transport client application that interacts with a corresponding luggage transport "server" application on a luggage transport service site." Examiner asserts that an application is software or a computer program that functions and is operated by means of a computer, with the purpose of supporting or improving the software user's work. Since the users are interacting with the various websites, it is obvious that there is some type of software being utilized to perform the interactions.

6.   Applicant also argues, "There is no corresponding claim element for

Quackenbush's Airline Website, and the interaction between Website 310 and the

airlines is irrelevant to the pending claims. The claims speak only to the interaction

between a centralized luggage transport service and the various luggage carriers, none

of whom are airline. Thus, the functionality of Quackenbush's Website 310 and the

airline is not at all the same as Applicant's claimed luggage carrier luggage transport

client application and the luggage transport service server application." However, the

Examiner asserts that the no where in the claim does the claim require that the luggage

carriers not be airlines. In fact, it is old and well known in the airline industry at the time

of the invention that airlines are luggage carriers. The claim requires that the luggage

carriers have a site that is connected to a distributed network and runs a server

application to provide online services to the user and the luggage carrier be operatively

connected to a computer running a luggage transport client application. Accordingly,

Quackenbush shows in Figure 3 that Airline Website 308 is connected to a distributed

network and that the Airline Website 308 is operatively connected to a computer running

a luggage client application [col 3, lines 36-47; website via a communications network

such as the Internet; while purchasing tickets user is provided the option of linking to a

secondary luggage delivery website; Examiner interprets secondary luggage delivery

website to also mean that the airline website is the primary luggage carrier website) .

Quackenbush further discloses that the Airline Website 308 provides online services to

a user [col 3, lines 36-47]. While Quackenbush does not explicitly state that there is a

server application, it is known that for computers to communicate with one another an

application is used. Thus, Quackenbush discloses the required elements of Applicant's claim.

7.   Applicant argues, "The Examiner also appears to confuse the luggage service's user interface (for communicating with a user) with the luggage service's client application (for communicating with the luggage transport service), and seems to be referring to these two different communication systems as 'mere duplication of parts" and says that 'mere duplication of parts has no patentable significance', and cites for this case of *In re Harza,* 124 USPQ 378 (CCPA 1960)." However, the Examiner notes that the Applicant has mischaracterized the Examiner's rejection of the claim limitation. The Examiner has cited to column 3,lines 46-55 of Quackenbush to show that a luggage carrier has a website and runs a client application to interact with a luggage transport server application, as required in the claim. While Quackenbsuh discloses one luggage carrier website, Quackenbush does not explicitly disclose that there is a plurality of luggage carrier website. However, the Examiner provided a citation to the case of *In re Harza,* 124 USPQ 378 (CCPA 1960) to substantiate that merely duplicating one website for the effect of a plurality of websites has no patentable significance unless it produces a new and unexpected result.

8.   Applicant also argues, with respect to the rejection of claims 24-25, "Quackenbush does not have these features and no combination of cited references teaches them." However, the Examiner disagrees. Quackenbush discloses that a member may login to the baggage website to retrieve member information and create new transaction record (col 5, lines 13-52). Since the member has to login to retrieve

info and create a new record, the stored info is considered to be "stored family member

profile input" that has been modified. Further the term "family member" is merely

descriptive of the type of input. Thus, whether the input is user profile input or "family

member profile" input does not impart any structural limitations on the claimed subject

matter.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

10.   **Claims 17-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Quackenbush et al [US Patent 6,512,964] in view of Lanigan, Sr. [US 2003/0061085]

and Barni et al [US 6,920,429].

As per **claims 17 and 26**, Quackenbush et al discloses a system for providing

pickup and delivery of luggage over a distributed network, the system comprising:

a luggage transport service running a luggage transport service site

(BaggageDirect Website 310) operably connected to at least one computer server

connected to the distributed network [see Fig. 3, "312:], the server running a luggage

transport server application [col 3, lines 47-50, Examiner interprets an application to be

software that enables interaction between two computers];

a plurality of user input/output devices operatively configured to access an online service over the distributed network [Fig. 3, "302", "306"; col 3, lines 39-45];

the luggage transport server application operatively connected to data storage residing on computer readable media [Fig. 3, col 3, lines 50-54], and

the luggage transport server application operatively connected to data storage residing on computer readable media, and the luggage transport server application configured to : receive and store luggage travel segment data from a user [col 4, lines 13-52, prompts user for location from which bags is to be picked up and delivered and database is updated].

Quackenbush et al does not explicitly disclose a plurality of luggage carriers each having one or more sites, for each luggage carrier, a site operatively associated with at least one computer connected to the distributed network running at least one server application to provide online service to users over the distributed network, and for each luggage carrier, a site operatively associated with at least one computer connected to the distributed network running at least one luggage transport client application operatively configured to interact over the distributed network with the luggage transport server application. However, Quackenbush et al discloses a luggage carrier having a site, the site operatively associated with a computer connected to the distributed network running at least one server application to provide online service to users over the distributed network [Fig. 3, Airline Website; "308", airlines are known traditionally to be luggage carriers, col 3, lines 46-55; Examiner interprets secondary luggage delivery website to also mean that the airline website is the primary luggage carrier website].

While Quackenbush does not disclose a plurality of luggage carriers, mere duplication of parts has no patentable significance unless a new and unexpected result is produced, see In re Harza, 124 USPQ 378 (CCPA 1960). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the luggage transport system of Quackenbush et al to include a plurality of luggage carriers each having sites and running a luggage transport client for a multiple effect and/or to accommodate all interested parties with no new and unexpected result.

Quackenbush et al does not further disclose programmatically match a luggage travel segment to a selected luggage carrier; output selected luggage travel segment data to the selected luggage carrier.

However, Lanigan, Sr. discloses that information from the passenger is transmitted to the central office of the luggage carrier (output segment data to service partner), which comprises a system different from the airline passenger system, for example United Parcel Federal Express, or another organization [0023; 0024]. Moreover, Barni et al discloses a customer may input a shipping lane and that available carriers for that shipping lane are identified and displayed ([col 5, lines 43-52]; Examiner interprets luggage travel segment to be a shipping lane). Barni et al further discloses that the website may be mirrored at additional servers in the network [col 4, lines 1-6]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include the method disclosed by Lanigan, Sr. and Barni et al. Barni et al provides the motivation that it is highly desirable to provide an improved online business method wherein customers can obtain

cargo rates from one or more freight forwarders without having to visit multiple third

party sites and manually comparing the information during such searching [col 1, lines

52-66].

As per **claim 18**, Quackenbush et al does not disclose wherein the luggage

transport server application is further configured to: receive and store luggage travel

segment data from the selected luggage carrier; output luggage travel segment data to

the user. However, Barni et al discloses that a carriers post published rates for

transporting cargo and that a rate quote for a shipping lane is displayed to the user

through the website [col 5, lines 15-30]. Therefore, it would have been obvious to one of

ordinary skill in the art at the time of the invention to modify the invention of

Quackenbush et al to include wherein the luggage transport server application is further

configured to: receive and store luggage travel segment data from the selected service

partner; output luggage travel segment data to the user. Barni et al provides the

motivation that providing this information to the customer allows them the opportunity to

evaluate competitive prices in one consolidated location instead of having to navigate to

individual company websites [col 5, lines 21-24].

As per **claims 19 and 27**, Quackenbush et al does not disclose wherein the

luggage transport server application is further configured to: receive and store luggage

travel segment bid data from the selected luggage carrier; output luggage travel

segment bid data to the user; receive and store luggage travel segment bid acceptance

data from the user; output luggage travel segment bid acceptance data to the selected

service partner. However, Barni et al discloses that after a carrier has entered

appropriate bid information, the bid is posted wherein the bid is displayed to the user

and the user can accept the bid by highlighting the appropriate row in the table and then

a conformation is sent to both parties [col 7, lines 12-54]. Therefore, it would have been

obvious to one of ordinary skill in the art at the time of the invention to modify the

invention of Quackenbush et al to include wherein the luggage transport server

application is further configured to: receive and store luggage travel segment bid data

from the selected service partner; output luggage travel segment bid data to the user;

receive and store luggage travel segment bid acceptance data from the user; output

luggage travel segment bid acceptance data to the selected service partner so that the

user can receive the most competitive rates.

As per **claim 20**, Quackenbush et al discloses a system for providing pickup and

delivery of luggage across multiple service providers over a distributed network, the

system comprising: at least one computer server connected to the distributed network

[see Fig. 3], the server running a luggage transport server application [col 3, lines 47-50,

Examiner interprets an application to be something that enables interaction between

user and website]; a plurality of user input/output devices operatively configured to

access an online service at a service partner site [Fig. 3, col 3, lines 39-45]; the luggage

transport server application operatively connected to data storage residing on computer

readable media [Fig. 3, col 3, lines 50-54], and the luggage transport server application

configured to: receive and store luggage travel segment data from a user [col 4, lines

13-52, prompts user for location from which bags is to be picked up and delivered and

database is updated]. Quackenbush et al does not explicitly disclose a plurality of

luggage carrier each having sites, each partner associated computer also running at least one luggage transport client application. However, Quackenbush et al discloses a service partner having a site, the site operatively associated with a computer connected to the distributed network, the service partner associated computer running at least one server application to provide online service to users over the distributed network [col 46-55]. Quackenbush et al does not further disclose programmatically match a luggage travel segment to a selected service partner; output selected luggage travel segment data to the selected service partner; receive and store luggage travel segment data from the selected service partner; and output luggage travel segment data to the user. However, Lanigan, Sr. discloses that information from the passenger is transmitted to the central office of the luggage carrier (output segment data to service partner), which comprises a system different from the airline passenger system, for example United Parcel Federal Express, or another organization [0023; 0024]. Moreover, Barni et al discloses a customer may input a shipping lane and that available carriers for that shipping lane are identified and displayed ([col 5, lines 43-52]; Examiner interprets luggage travel segment to be a shipping lane). Barni et al further discloses that the website may be mirrored at additional servers in the network [col 4, lines 1-6]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include the method disclosed by Lanigan, Sr. and Barni et al. Barni et al provides the motivation that it is highly desirable to provide an improved online business method wherein customers can obtain cargo rates from one or more freight forwarders without having to visit multiple third

party sites and manually comparing the information during such searching [col 1, lines

52-66]. Barni et al further discloses that a carriers post published rates for transporting

cargo and that a rate quote for a shipping lane is displayed to the user through the

website [col 5, lines 15-30]. Therefore, it would have been obvious to one of ordinary

skill in the art at the time of the invention to modify the invention of Quackenbush et al to

include wherein the luggage transport server application is further configured to: receive

and store luggage travel segment data from the selected service partner; output

luggage travel segment data to the user. Barni et al provides the motivation that

providing this information to the customer allows them the opportunity to evaluate

competitive prices in one consolidated location instead of having to navigate to

individual company websites [col 5, lines 21-24].

As per **claims 21-23**, Quackenbush et al does not further disclose wherein the

luggage transport server application is further configured to: programmatically match a

luggage travel segment to a plurality of selected service partners; output selected

luggage travel segment data to the plurality of selected service partners; receive and

store luggage travel segment bid data from each service partner; output luggage travel

segment bid data to the user; receive and store luggage travel segment's bid

acceptance data from the user; output luggage travel segment's bid acceptance data to

the plurality of service partners. However, Barni et al discloses a customer may input a

shipping lane and that available carriers for that shipping lane are identified and

displayed ([col 5, lines 43-52]; Examiner interprets luggage travel segment to be a

shipping lane). Barni et al further discloses that after a carrier has entered appropriate

bid information, the bid is posted wherein the bid is displayed to the user and the user

can accept the bid by highlighting the appropriate row in the table and then a

conformation is sent to both parties [col 7, lines 12-54]. Therefore, it would have been

obvious to one of ordinary skill in the art at the time of the invention to modify the

invention of Quackenbush et al to include wherein the luggage transport server

application is further configured to: receive and store luggage travel segment bid data

from the selected service partner; output luggage travel segment bid data to the user;

receive and store luggage travel segment bid acceptance data from the user; output

luggage travel segment bid acceptance data to the selected service partner so that the

user can receive the most competitive rates.

11.   As per **claims 24 and 25**, Quackenbush et al does not explicitly disclose further

comprising the luggage transport server application operatively connected to a data

storage residing on computer readable media, and the luggage transport server

application configured to: receive and store family member profile input and modification

data from the user. However, Quackenbush et al discloses that a member may login to

the baggage website to retrieve member information and create new transaction record

(col 5, lines 13-52, Examiner interprets member login to retrieve info to mean that

member profile is stored and updated). Since the member has to login to retrieve info

and create a new record, the stored info is considered to be "stored family member

profile input" that has been modified. Further the term "family member" is merely

descriptive of the type of input. Thus, whether the input is user profile input or "family

member profile" input does not impart any structural limitations on the claimed subject

matter. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush to include family profile input since the type of input does change the does not change the subjective interpretation of the claim; thus, the type of input does not patentably distinguish the claimed invention.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHANNON S. SALIARD whose telephone number is (571)272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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